CHEROKEE COUNTY

SUPERFUND SITE

OPERABLE UNIT 08 RAILROADS

PROPOSED PLAN PUBLIC MEETING

TRANSCRIPT OF PROCEEDINGS

AUGUST 15, 2016

(Start: 6:36 p.m.)

MR. DOOLAN: Welcome everybody. My name is Mark Doolan. I'm with the EPA Region 7 Superfund program. I will be your hearing officer tonight, kind of just leading up the meeting here.

The purpose of our meeting tonight is to discuss our proposed plans for Operable Unit 08 of the Cherokee County Site which is called the Railroads, and we're here to present EPA's Preferred Alternative, along with the other alternatives that we looked at and to take comments on those alternatives. We hope to hear from all of you, and that's the whole purpose of the meeting is to voice your opinion about the remedies that EPA selects.

So, I'd just like to welcome you all. Thank you all for being here.

Liz Hagenmaier to my left here, is the Project Manager for the site. She is going to be presenting the Alternatives and doing most of the presentation tonight. We also have quite a number of people from the EPA and KDHE here. Todd Campbell and Jeremy Ford are with us. They both helped Liz doing -- working on the remediation in Cherokee County. We have Conrad Bonney

who is one of our student interns that is learning his way through EPA and what we do. We have got a couple of people here from our Community Outreach, and it's Brandon Corazzin and Robbie Valluri, are here from Public Affairs, so they are here to assist you in any way that you need. And, from KDHE, we have Chris Hase who is the Project Manager on the site, and Joe Dom who is the Unit Leader for DKHE. I almost forgot Bob. We also have Bob Richards who is our EPA Site Attorney that will be here tonight.

As you might have noticed, we have a court reporter with us tonight who is going to transcribe everything that is said, so when we get to the question and answer period in a little while, we just ask that you give us your name, speak loudly so our court reporter can get all of your comments down. If you would, we would like you to come up and use the microphone, or else speak really loudly because it is important for us to get down everything that is said.

We will be preparing a document that goes along with the final Record of Decision. It is called the Responsiveness Summary. We'll have the transcript of tonight's meeting that will be available in the Administrative Record, but then we also put together a list of every question that was asked, either at this meeting or was submitted during the public comment period, with a response to those questions. So it's, you know, important that we get your questions so we can assess the

community's opinion of our remedy, if you will. Again, we will have questions and answers, so at the end, if you will just give us your name and speak loudly when you ask your question, and we'll get it all down, and I guess, unless I forgot anything, without any further ado, we'll go ahead and let Liz get started, and give us a presentation tonight.

Thanks for coming.

MS. HAGENMAIER: All right. Again, good evening, everybody.

My name is Liz Hagenmaier, or Elizabeth Hagenmaier, and I am a Project Manager for EPA Region 7, working on the Cherokee County Superfund site.

Can you hear me okay, especially in the back? Okay, great.

As stated, this is the Public Meeting to go over our proposed plan for our Operable Unit 08, the Railroads, as part of the Cherokee County Superfund Site, and it covers the inactive rail lines that are found in the site, so let's get started. Again, the purpose of the meeting is to provide some background information of the site, EPA's process on-site, and our Preferred Alternative for the inactive rail lines on the site, and most importantly, here to solicit comments from the public on that proposed plan.

So a little bit about our Superfund process. Our authority under CERCLA, also known as the Superfund Law, applies

to the clean-up of releases or threat of releases of hazardous substances at abandoned sites. So the process begins with site discovery, the initial investigation, and listing on our National Priorities List. Then, when it is listed, we perform a Remedial Investigation, Feasibility study, Risk Assessments and other studies to support a Record of Decision, or what's called a ROD, and this is where we are in the process.

We are here. We first published a Proposed Plan during the Public -- before the Public Comment Period ends. We have a public meeting during the Public Comment Period, and then we move to our Record of Decision, or ROD, and then dependent on funding, we would move towards our Remedial Design and Remedial Action.

So the Cherokee County Site is the Kansas portion of the Tri-State Mining District (TSMD). The District also includes Missouri and Oklahoma, and the Cherokee County Site encompasses about 115 square miles, and the Site is divided into nine Operable Units. This presentation is covering the Proposed Action at Operable Unit 08, the Rail Lines, and as noted here, lead and zinc mining happened throughout the Site from the middle 1800's, for over a century and a half, with final mining activities ending in 1970.

So to continue a little bit on our Site history, during the years that the mines operated, railroads were constructed in Cherokee County to link from the large-scale conventional rail

lines to the individual mining operations, and that ballast material for the railbeds was typically composed of chat from the surrounding mine waste piles. And then, these historical rail lines were abandoned when mining operations ceased at that mine. Currently, the historical railbeds are in varying conditions.

So, there are nine Operable Units to cover other subsites. OUs 01, 05, and 07 cover the Galena subsite; OU 02 covers the Spring River Basin; OU 03 is for the Baxter Springs area; OU 04 is for the former city of Treece; OU 06 are the northern subsites of Badger, Lawton, Crestline, and Waco; and OU 08 is the inactive rail lines; and OU 09 is the Tar Creek Watershed. Here is a map of our Cherokee County Superfund Site with the different subsites and the area that they take up, and then the next map is specific to the limits of OU 08.

So, the blue lines are the active lines within Cherokee County. There's two lines, one that goes through Galena, and the other north to south through Baxter Springs, and then the purple-shaded areas, which are seen throughout, are our inactive rail lines that we are addressing under OU 08, while the orange parts are areas that are no longer present or have been remediated previously by EPA or others. And then, the green areas will be remediated or are addressed under other Operable Units such as OU 03 with Baxter Springs, or OU 04 in Treece. So there are other clean-ups going on that will be addressing those

parts of the rail lines. So this OU 08 is just those -- the purple-shaded lines so it is kind of scattered a little bit because of the varying degrees of work that have happened in Cherokee County so far.

So EPA placed the Cherokee County site on the National Priorities List in 1983, and began its investigation of the Galena Subsite in 1985. Now, OU 08 was added to the Cherokee County Site in 2012, and a Remedial Investigation Feasibility Study (RI/FS) began in 2013 and ended this year.

Again, OU 08 comprised of the rail lines that have not and will not be addressed by the remediation at other OUs, and that have not been addressed by any other means. Many rail lines have been abandoned by railroad companies, and are routed back to the proper unit through the Service Transportation Board. This conversion program actually -- so, there's actual regional plans that exist to convert some historical rail lines into a Rails to Trails type program, and this conversion happened over in Missouri with potential plans in Kansas, and that's what kind of sparked our discussion and our investigation into the rail lines, because of this change -- potential change in exposure through recreational use of those abandoned rail lines.

So, our remedial investigation, 102 test pits were investigated at 34 locations. If you go back to that previous map, these were sampling locations, all of these numbered areas throughout. So there were 34 test locations, several test pits

at each location, to total 102, and they were selected to show varying degrees of condition. The ones that were still in pretty good shape where the lines were gone and the ties were gone, but the ballast was still in the same shape as it kind of was when the rail line was in operation, to the ones that have been manipulated and spread across the longer distance or have been washed away by the water, as well. So, they were sampled at 6-inch intervals down to four feet, and analytical results and visual observations were used to determine the assumption that there is consistency along the line in the depth of chat and the contamination of -- if it had migrated to any of the soil or not.

So, based on RI, the contaminants of potential concern included lead, zinc, and cadmium, and these COPCs (Contaminants of Potential Concern), were found to be widespread in both surface and subsurface railbed materials, but no hot spots, per se, were indicated from the data, and that metals concentrations generally decreased in samples and soil collected beneath the chat, if it was encountered above the target depth of 48 inches. So, once we hit that native soil underneath the chat is when we saw a sharp metals concentration decrease.

So, as part of our -- in support of this proposed plan and the ROD, we performed a Human Health Risk Assessment (HHRA), and lead -- and for human health, lead in the soil is typically the greatest threat of lead mining Superfund Sites, and a Site

Specific Human Health Risk Assessment is used to evaluate the potential and future risks to humans from site-related contaminants, which in this instance was lead, zinc, and cadmium -- they were investigated, and then informs people about potential human health risks and assists in determining the need to clean up a site.

So, in support of this proposed plan, this Human Health Risk Assessment was performed and found that lead is the primary potential contaminant of concern for humans, even though other metals do exist. Humans can be exposed to lead in several ways, because lead is widespread in the environment. A lead specific model was used to look at multiple ways a human can be exposed and affected by lead, and the sampling results from the RI and supplemental sampling for this Human Health Risk Assessment were used to calculate the risk to humans. So, again, the risks of lead, typically children, up to 84 months in age, are the most sensitive group, when exposed to lead contamination. They are generally more affected than older children and adults, and the biggest effect to children is damage to their central nervous system and learning disabilities.

So, the exposure properties identified and evaluated in this Human Health Risk Assessment include incidental ingestion of surface and subsurface soil, dermal contact with surface and subsurface soil, and then inhalation of airborne soil particulates. Both high and low frequency recreational

visitors, and hypothetical future workers were identified as potentially exposed receptors for OU 08 specifically. So -- and then the recreational visitors were seen as both child, adolescent, and adult, and those that may walk, hike, and/or trespass along a former rail line, and be exposed via direct contact to surface soils along the rail lines. And then that hypothetical future worker was assessed for both surface and subsurface soil risks.

Based on the results of our Human Health Risk Assessment, human health risks for all identified human populations were below our non-cancer hazard indices, and cancer risks were within EPA's target risk range for non-lead metals. And then, for lead, using our lead specific models for both children adults, the probability for blood lead levels that would exceed 10 micrograms per deciliter were below EPA's health-based guidelines for all human populations. So, to boil that down, the results of our Human Health Risk Assessment was there was no risk based on our goals and our indices for lead, zinc, and cadmium. That Health Protection Goal that I referenced states that there should be no more than a five (5) percent chance of exceeding a blood lead level of 10 micrograms per deciliter in a given child.

So, for the ecological risks, lead, zinc, and cadmium in media are typically the greatest threat to ecological receptors at a lead mining Superfund Site, and again, just like for human

health, a site-specific Ecological Risk Assessment for potential and future risks to ecological receptors for site rated contaminants is evaluated, and then informs people about potential ecological risks and then assists in determining the need to clean up a site.

So, for the OU 08, Ecological Risk Assessment, it was completed by EPA in 2015, and then a streamlined approach was used to compare to existing site clean-up levels that had already been established for the Cherokee County Superfund Site under the ROD, Record of Decision, for OU 03 and 04, back in 1997. So, the clean-up levels are meant to represent concentrations above which animals may exhibit impaired health from exposure to metals. And so, compared to these clean-up levels, lead and zinc contamination was widespread on the rail lines. And then, OU 08-specific clean-up levels were then developed after that comparison, due to the limited wildlife exposure to these rail lines.

So, prior to adjusting the clean-up levels for the rail lines, it was shown first that it would be more simply done to focus on zinc and lead only. Both zinc and lead poisoning had been documented in wildlife in the Tri-State Mining District, and some studies show that high concentrations of zinc may interfere with the absorption of cadmium and along with, of course, close correlation between these two elements, probably protects terrestrial food chains somewhat from cadmium

poisoning. So, we decided to focus more on the zinc and lead for our Ecological Risk Assessment and the development of clean-up levels specific to OU 08. It is for a short-term exposure scenario and these rail line-specific clean-up levels include the 1,770 milligrams per kilogram for lead, and 4,000 milligrams per kilogram for zinc.

So, our proposed plan includes background data, recent study results, and then the public comment period information, and then based on the Human Health Risk Assessment, the human health risk does not exceed risk ranges or indices for non-lead metals, and does not exceed the health protection goal for lead. And based on the Ecological Studies, the clean-up numbers for the inactive rail lines are 1,770 parts per million for lead, which is the same as milligrams per kilogram, which is a conversion, and then 4,000 parts per million for zinc. And based on the risks and exposures associated with the inactive rail lines, the ecological clean-up numbers were selected for our proposed clean-up. And then, finally, this explains the EPA Preferred Alternative.

So, in the Feasibility Study, and then in our Proposed Plan, a total of four alternatives were presented as a potential remedy for the inactive rail lines for OU 08, and they include first, the Alternative 1, as No Action. And then, Alternative 2 is Source Removal and On-Site Consolidation and Capping. The third Alternative is Source Removal with Consolidation and

Capping of Existing Consolidation Area at OUs 03 and 04. The fourth Alternative is On-Site Capping.

Within the proposed plan, nine criteria are used to analyze and prepare the Alternatives, and these are -- they are in three categories. First, the threshold criteria, which include protection to human health and the environment, and meeting state and Federal laws and requirements or ARARs, and they -- these two have to be met, and in balancing the modifying criteria, do exactly that, but they don't have to be met, and accrued long-term effectiveness and permanence, reduction of toxicity, mobility, or volume of contaminants through treatment, short-term effectiveness, implementability, cost, state/support agency acceptance, and then community acceptance.

So, Alternative 1 - No Action, was deemed not protective of human health or the environment since it does not provide a remedy to human health or the environment at OU 08, and also does not meet most of the other criteria.

Alternative 2 does provide protection to ecological receptors through excavation and capping of contaminated materials to limit exposure and transport of contaminants, but this alternative does leave contaminants -- contaminated materials on-site, and under this alternative contaminated materials would be excavated and consolidated in small on-site containment areas. It would be assumed they would be in or along some of the inactive rail lines, would be where these

on-site capping areas would be. And for the remaining criteria, Alternative 2 was favorable, and at an estimated cost of $14.9 million.

Alternative 3 also includes -- provides protection of ecological receptors through excavation and capping of contaminated materials. This alternative does remove all contaminated materials on-site, and therefore is the most protective of the environment. Under this alternative, the contaminated materials would be excavated, consolidated, and capped at existing or future planned consolidation areas, again, in OUs 03 and 04, and it is just assumed that there is capacity at these consolidation areas to take this waste, estimated for OU 08. And then for the remaining criteria, Alternative 3 was favorable at an estimated cost of $16 million.

And our last Alternative, again, provides protection of ecological receptors. It does remove all contaminated materials, and therefore, is protective -- I apologize. It does leave materials on-site. They would be capped in place and maintained as part of Operations and Maintenance. For the remaining criteria, Alternative 4 is again favorable. Although the estimated cost was $10.4 million, it does have a higher Operations and Maintenance cost, because we would maintain the 39 miles of inactive rail line.

So, in comparison of Alternatives, Alternative 3 would be the most protective due to the removal of the contaminated

materials. Alternatives 2, 3, and 4 would significantly reduce the mobility of the contaminants, but only Alternative 3 reduces the volume, and then none of the Alternatives would reduce the toxicity of the contaminants. Alternatives 2 and 3 have increased short-term risks for the environment during construction with the production of dust, and any kind of construction work, and Alternative 4 has fewer short-term risks because the material would be capped instead of excavated. All Alternatives are implementable, and although at a higher capital cost, Alternative 3 has the lowest O&M, Operations and Maintenance costs, compared to Alternatives 2 and 4.

So EPA's preferred Alternative is Alternative 3, and it would include the removal of contaminated materials above and below grade, and backfilling the excavated area with clean soil, and then revegetated. That -- the excavated materials would be taken to existing or future consolidation areas at OU 03 and 04, and then the estimated cost for the preferred Alternative is just over $16 million.

So, the Public Comment Period for this proposed plan started on Saturday, August 13th, and will run until September 13th. The Administrative Record File, which includes the Proposed Plan and documents used to support the Proposed Plan is available for review at this web address, and is also available at our address up in Lenexa, Kansas. So, we will begin our questions.

Do you want me to scroll back to it? Yes. There we go.

If you Google "Cherokee County EPA" it pulls up what is called a Site Profile Page, and it shows the progress of the site, and then in the lower right-hand corner, there's a link that says "Administrative Record," and there's also a place for additional reports and documentation. So, it is a great place to go. If you just Google "Cherokee County EPA," it is the first thing that pops up.

MR. DOOLAN: So we encourage you all to go take a look at that website. I think Liz has done a great job of getting everything on there. You can read the whole entire Plan in a lot more detail than what's been covered tonight. We encourage you to do that. With that, we are going to go ahead and open it up for questions and answers. We would ask you again, if you would, if you wouldn't mind, come up and speak into the microphone so our court reporter can get everything down exactly as you ask it. We will try to answer all of your questions tonight. If there is something we can't answer, we will -- we will take that question back and we'll get back with you, and of course, it will be part of the Responsiveness Summary, and that is published here with the Record of Decision, and --

With that, we look forward to hearing your questions.

MR. CARNEY MORGAN: What's the proposed start on this?

MS. HAGENMAIER: It is dependent on funding.

MR. MORGAN: What does that mean?

MS. HAGENMAIER: What does that mean? This would be Fund-Lead work, which means it comes from Congress, but it is, again, that's all I can say is it dependent on funding, but we would -- what we were looking at for construction if -- whenever we start, would be 200 days to complete the construction, but then again, the start time whenever that would be, again, is dependent on funding.

MR. MORGAN: Are you just going to rebuild the material or are you going to clean up the land and do the necessary dirt work and flood control and along with the remediation --

MS. HAGENMAIER: Absolutely.

MR. MORGAN: -- when it is done?

MS. HAGENMAIER: Yes.

MR. MORGAN: But there is no timeframe?

MS. HAGENMAIER: Again, depending on funding. I can't speak to that.

MR. DOOLAN: So the way our actions usually work at EPA is we will sign a Record of Decision, and then we have to take that Record of Decision to Headquarters in Washington, D.C., and it goes before a Prioritization Panel, because we -- you know, in our Region, we compete for funding like all of the other Regions that are out there, and Headquarters makes a decision on the highest priority of the sites for that particular year, ranks them from 1 to however many sites are ready for remediation, and then depending on the money that each site asks for, and the

funds available, it kind of depends on which site is going to get the funding.

So, the answer to your question is 200 and some days to do the remedy, but until we go before the Prioritization Panel at Headquarters, and go through all of the funding, we really don't have a start date yet.

MR. MORGAN: Why wasn't this done at the abandonment at the time, when the railroad was abandoned? EPA knew it was contaminated then, and it's been ten years since -- fifteen years since it was abandoned.

MR. DOOLAN: I don't know that we can answer that question tonight. I mean, we have got priorities on the way that we've been doing the sites, and working down the lists through the various Operable Units.

MR. MORGAN: Well, there's been some landowners that remediated it theirselves, and has cleaned it up theirselves, and then there's been others like me that's been stopped from doing it, and we've been waiting seven years since we were stopped from doing it, and we want to know whether we're going to be able to do it, or whether the EPA's going to do it, and we don't want to wait another seven or ten or fifteen years.

MR. BOB RICHARDS: This is Bob Richards and I'm an attorney for the EPA.

Like Mark said, you know, there's priorities. They try to address the biggest problems first, and the smaller problems,

and also in a logical order; you don't clean up the stream before you clean up the land that's contaminating the streams. But as far as the timing and the seven years and as far as the landowner taking the initiative to go ahead and handle the contaminated areas, t this time, my recommendation is do not do that. You know, this is subject to an EPA action at this point, and you know, all I can say is that we use our best efforts to address it as soon as possible. I mean, I can't give you anything more than that.

MR. LYLE MARTIN: My name is Lyle Marvin. I live on [redacted], and if I'm understanding correctly, this abandoned railroad is about a quarter mile from my home. I live up between [redacted], and my concern is the leeching and migration of the contaminants, what kind of area on either side of the railroad bed is going to be involved.

MS. HAGENMAIER: Okay, so your concern is the -- how far out? Well, what we have found based on our investigation, it goes fifty to a hundred feet away from that main line --

MR. MARTIN: Okay.

MS. HAGENMAIER: -- but we would follow where it is, above our clean-up levels that we proposed.

MR. MARTIN: Like I said, I'm approximately a quarter of mile from them, and I didn't know the range and everything else, how far the contaminants would go.

MR. DOOLAN: We've done numerous studies throughout the

Tri-State Mining District, looking at that exact question, and how far metals will migrate away from a pile, and typically we haven't found that metals will migrate any further than a couple of hundred feet, and that's on the extreme side. Typically it is much less than that.

MR. MARTIN: Thank you.

MS. JOY BRANNON: I have a -- my name is Joy Brannon, and I'm -- I'm asking questions about my dad who has had land in the area for about a hundred years with the --

MR. DOOLAN: I'm sorry, she can't hear you.

MS. BRANNON: Not loud enough I guess.

THE COURT REPORTER: We have an echoing problem in this room.

MS. BRANNON: My name is Joy Brannon and I'm here in respect for my dad. He's 93 years old, a Veteran of the War. He has land -- the railroad has run through his land in Cherokee County, which is on [redacted], and I just wondered, what areas -- I know you've marked areas, of course, I couldn't see everything, that would actually be cleaned up. Would it be the whole railroad easement area that goes through Riverton area?

MS. HAGENMAIER: Yes. If it's an inactive rail line, one that the rails are no longer there --

MS. BRANNON: It took coal products to the Riverton plant.

MS. HAGENMAIER: Yes. Then I know exactly where you are talking about.

MS. BRANNON: Okay, and then my dad's land almost flooded last December, and the waters came up. It got into two of his field areas. One question I had, and it has been flooded in 1993 when Riverton had the big flood, and then it was fifty years earlier or something like that.

My question -- one of my questions is concerning the culverts that the railroad had or made for the railroads, for the water to run from the river through, will those be broken down, cleaned up, destroyed?

MS. HAGENMAIER: If it's along the rail line, it would be remediated as well, and then part of our construction would include erosion controls, and then getting that area to properly drain, because obviously the rail line acts almost like a berm --

MS. BRANNON: It does.

MS. HAGENMAIER: -- and so it would -- part of our design would work with that thought in mind, would be about drainage, and make it drain.

MS. BRANNON: This last Christmas, 2015, Dad and I watched as the water came up again to right to the road, right before [redacted], and some of it went across, but this time it didn't flood his house. The time before it did. So that was the question that we had concerning the culverts, because it allowed that water to just run through from the railroad lines more than once. I mean, like if those hadn't been there, it is good and

bad. It is both the good and bad; yes, it provides a berm, but then had the openings that allowed the deep ditches fill up.

So you think that would be cleaned?

MS. HAGENMAIER: Absolutely.

MR. DOOLAN: Well, the major components of our designs are not only removing the contamination, but it is getting natural water flow. You know, the chat piles act like giant sponges, so when you remove the pile you get more run-off, and that has been a continuing problem throughout the Tri-State, and so one of the major components of our remedy is to address erosion control and site run-off, once the remediation is done.

MS. BRANNON: Will they bring back in soil -- you know, I know it's going to be interrupted on both sides of, as you said, so many feet, fifty to a hundred feet, would they bring in soil, and if they do, where is that soil coming from to replace it?

MS. HAGENMAIER: Yes, we would bringing in soil for proper drainage or also for vegetative -- for getting grass to grow. Where they get the soil from is obviously something we don't necessarily -- they can buy it elsewhere or --

MR. DOOLAN: It is kind of up to our contractor. You know, once we award a contract, it is their responsibility to make those sorts of decisions, but we do test all of the soil to make sure that it is clean. We have requirements that any soil brought on to the property is below our action levels.

MS. BRANNON: Part of the road for 66 was brought in,

Highway 400, the alternate, part of that is his corner of the land was not a good soil that was brought in. It was more like clay, and his soil has always been great, so I just wondered -- thank you.

MS. HAGENMAIER: Thank you.

MR. DOOLAN: Well, we've got like -- we still have an hour and 25 minutes, so we will entertain a lot more questions if you have them. We'd be happy to do so.

MR. JEFF BURKETT: My name is Jeff Burkett and I'm with the Empire District. Just a general question, how does the EPA consult, communicate with landowners that adjoin this rail line? Is there some type of outreach to the individual property owners, that -- like they just present some problems that they encountered through time. I mean, does the EPA in part of their planning process discover what significant or individual issues exist through flooding that has occurred through time in this region. I mean, what is the outreach and -- in the planning phase?

MS. HAGENMAIER: In the planning phase? First, we start with the County database in finding property owners, and then obviously reaching out to those property owners, identifying -- in this instance, we have some toss-up between if its Burlington Northern Santa Fe Railroad, or an individual property owner, and in some instances we have some areas that showed both owning the property or neither, so especially with the rail lines, it was a

concern of learning who owned the property, especially with this conversion program. But as part of our planning process, it is working with the County and seeing who owns the property there, obtaining tax records, and then working from that, and then opportunities such as this to build our mailing list for our new Operable Units such as this.

MR. BURKETT: Creating a platform for an outreach --

MR. DOOLAN: We get Access Agreements. We cannot go on any property and do any clean-up without an Access Agreement. So, first of all, we are going to be contacting every single landowner to get the signed Access Agreement. So, at that time, there will be interaction with the property owner, and certainly, you know, we work with each individual property owner as those remedial designs are being prepared to discuss concerns like what this lady brought up.

MR. BURKETT: It sounds like being involved with the adjacent property owners. I was just curious as to how that process worked.

MR. RANDY FRENCH: My name is Randy French. I live off of [redacted] and north of Riverton, and an abandoned row of track is on the west side of my property from top to bottom all of the way, and I have fences, and will those fences be replaced by me or by you or --

MS. HAGENMAIER: By us.

MR. FRENCH: Okay.

MS. HAGENMAIER: By EPA.

MR. FRENCH: And also, it has grown up tremendously and all of the trees and all of the stuff has grown up on it. What will happen to them?

MS. HAGENMAIER: They would be taken out. Obviously, we work with property owners; if there are large trees that you would like to save, which in some instances I think I know where you are speaking of, that we can try saving those, but the majority of that does end up getting removed as we try to excavate the material out.

MR. FRENCH: As you are removing the material, as it goes -- Lostine goes over the railroad track, will that all be torn out and replaced as well, so it's smooth across, I guess, instead of a bump?

MS. HAGENMAIER: Yes. Yes.

MR. FRENCH: Another thing is, there's a culvert there on Lostine on the -- I guess it would be on the east side of the railroad track, and the water drains from the north to the south on my property, and whenever it rains a lot, the whole west side of the railroad track, or the east side of the railroad track is probably about three foot deep with water. Does that mean that there -- that that would all be tested to see if any of that was leeching off of the railroad track, as well, so it would be out of my pasture is what I'm trying to say?

MS. HAGENMAIER: I understand. Yes, we would do

additional testing as part of our remedial design.

MR. FRENCH: So if it is found there is stuff in my pasture, would my pasture be --

MR. DOOLAN: Typically during our design, and especially during remediation, we'll be, you know, addressing the contamination we know about, and sampling to find the edges of that during our design. So, we will be out there in the field with portable instruments that read the metals, and we can -- you know, we follow it all of the way out until the level where it falls below our access.

MR. FRENCH: I've been out there before when it's been raining, and I've seen a lot of water collecting and the culver that is under Lostine is about here (indicating), and the water is that has collected about here or so, if it was lowered, then the water would go down south. It is still collecting in the pastures.

Thank you.

MS. HAGENMAIER: Thank you.

If you have additional questions, I think that -- that's what those cards are for on the table, as well. You can write questions or comments down, as well. That would be part of our Responsiveness Summary.

MR. DOOLAN: And also, as Liz mentioned, the Public Comment Period doesn't close until September 13th, so you can always mail in comments.

Have you got an address up?

MS. HAGENMAIER: Yes.

MR. DOOLAN: You know, any questions you have between now and the 13th, or any comments that you want to make, we'll certainly accept those. All of those will be taken into consideration as we are preparing our Record of Decision. As Liz said, one of our nine criteria is public acceptance, so we do want to hear from you on your -- your thoughts on our plan, whether you like it, whether you don't like it. If you have any concerns, questions, whatever. You can mail them in, and probably e-mail them?

MS. HAGENMAIER: You can e-mail, call, or --

MR. DOOLAN: Any way you would like to do it; hard mail, e-mail, telephone, and we will respond to them when we receive them.

Anything else? One last time!

Well, in light of no further questions, I guess we will adjourn.

Thank you all for coming out tonight.

[End: 7:18 p.m.]

NOTARIAL CERTIFICATE

I, SANDRA L. HEDGES, do certify that there came before me, at the Community Center Building located at 1101 East Avenue, Baxter Springs, Kansas 66713, the above-referenced parties, that the proceedings were translated and proofread, and the above transcript of proceedings is a true and accurate transcript of my notes as taken at the time of said event. I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this examination is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

Dated this 16th day of August, 2016.

SANDRA L. HEDGES, Notary